

COMMISSION MEETING MINUTES

August 13, 2002

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, August 13, 2002 at 10:05 a.m., in Baltimore, Maryland.

Present Silvia Rodriguez, Jack Neville and Rufus Mc Kinney.

Approval of the Minutes Commissioner Mc Kinney would like the following change to the minutes: page 4, paragraph 3, line 2 the word “terrorist” should be changed to “ethnic or racial profiling”. The minutes were accepted as corrected.

CHAIRPERSON’S REPORT Commissioners received copies of the Chairperson’s Report (See attached). Chairperson Rodriguez informed Commissioners that after last month’s Commissioner meeting the Anti-Discrimination Act training was held. The training was very informative. Similar training will be held later during the year for Commissioners who were not present for the training.

SUB-COMMITTEE REPORTS

**Public Affairs
2003 Retreat** Chairperson Rodriguez informed Commissioners that the Management Associate has researched sites for the Retreat. The Management Associate checked into the availability and cost at the Tidewater Inn and the Clarion Resort. The pricing for rooms is around the same price at the two places. The Management Associate will have to conduct further research and inform Commissioners during next month’s meeting. Chairperson Rodriguez would like further information so that Commissioners can make a final decision.

**75th Anniversary
Celebration** Chairperson Rodriguez stated that staff checked into the availability of the Governor’s Mansion and the Reception Room, as requested last month. Commissioners agreed that this celebration would be an official state government activity. The Commission is seeking the Governor and/or his office to assist with the celebration. We would like the Governor or someone from the Governor’s office to award proclamations in recognizing those people who have been involved with MCHR.

Commissioner Mc Kinney inquired as to the size of the Reception Room and also inquired as to how an agency reserves the room. The Executive Director stated that there is a Director of Scheduling that agencies can call to reserve the room. There is a form that agencies have to complete and send to the Governor's office.

Commissioner Mc Kinney stated that previous directors should be included in the list of persons who will be invited to attend the 75th Anniversary Celebration. The Executive Director named several previous directors and will ensure that they are included on the list.

Budget
FY 2003

Commissioners received copies of the agency's Budget Report (See attached). The Assistant Director informed Commissioners that the agency is into its FY 2003 budget. MCHR is now fully staff with no vacancies. There is a slight decrease in general funds from last year. General funds are \$2.5 million.

FY 2004

MCHR received the base line budget figure for FY 2004. General funds are \$2.6 million. There are some statewide personnel costs that have to be put into the budget. MCHR did not gain any real operative funds; these are additions to the budget that will take care of statewide personnel items. MCHR received funding of \$50,000 for the multi-lingual translation interpretation services. MCHR received about \$600,000 in federal funds. The total budget is generally \$3.2 – 3.3 million. MCHR being fully staff will have an impact on the way MCHR does business. Whenever MCHR is funded at 100% of personnel cost the turnover ratio, which is normally 4-5% is very import. If everyone comes to work every day and nobody leaves during the year, MCHR would have to find \$150,000 to \$200,000 to take care of salaries.

During FY 2004 budget the Governor is allowing agencies to request only one over-the-ceiling (unfunded) request. The Assistant Director stated that from previous Commission meeting sessions that the request would be to fund the Civil Rights Study. Chairperson Rodriguez inquired as to how much money will be requested. The Executive Director stated that \$75,000 will be requested.

The Assistant Director will be looking to the Community Education and Outreach unit to research the matter and obtain a figure for the proposal. Chairperson Rodriguez inquired as to whether the Commissioners were still interested in the Civil Rights Study.

The Executive Director stated that MCHR should try to restore the Systemic Unit positions that were lost last year due to cuts to the budget. These cuts amounted to about \$100,000.

The Chairperson and Commissioners decided that the unfunded request should include the Civil Rights Study and the restoration of lost positions in the Systemic Unit.

The Executive Director stated that gathering resources around the state to assist

with the study was previously discussed. This would be one of the responsibilities of the Coordinator for the Civil Rights Study.

Chairperson Rodriguez inquired as to whether the study could be tied into the new Maryland Homeland Security Act. The General Counsel stated that this would have to be formulated by the persons conducting the study. Civil rights is a broad issue, and now there is a component dealing with civil liberties and peoples' rights.

The Assistant Director recommended that the positions being discussed be contractual positions. MCHR should also request that these positions be federally funded instead of generally funded.

Community Relations
Prince George's
Human Relations
Commission

Chairperson Rodriguez informed Commissioners that she received a phone call from Commissioner Bridgwaters regarding the possible elimination of the Prince George's County Human Relations Commission. The NAACP Chapter of Prince George's County and the Maryland Office have concerns in reference to this matter. An NAACP representative would like to make a presentation before MCHR regarding this matter. To date MCHR has not been contacted directly by the NAACP. This issue is null.

The Executive Director stated that he talks to all the directors of all the other agencies and has not heard anything in reference to the Prince George's County Human Relations Commission being eliminated.

Legislative

Chairperson Rodriguez inquired as to the legislative package. The General Counsel reminded Commissioners that MCHR is not going to submit any departmental legislation for the upcoming session.

The Executive Director stated that every year various legislators submit bills that affect the agency. The Commission responds by supporting or opposing said bills as they come up. The deadline is soon approaching. The remedies bill would be the only bill MCHR would submit. The remedies bill will probably be submitted privately. Once the election is over MCHR will probably hear from legislators regarding bill submissions. The source of income bill will come back.

The Executive Director informed Commissioners that the Public Affairs Coordinator sent letters to all the members of the Commerce and Government Matters Committee and the Judicial Proceedings Committee of the Senate. The purpose of the letters was to thank those who supported MCHR's bills. Committee members who opposed MCHR's bill were invited to meet with MCHR to clarify any issues they had. Thirty letters were mailed and MCHR received one response. The response was from Senator Richard Colburn from the Eastern Shore. The Executive Director and the Public Affairs Coordinator met with Senator Colburn in Federalsburg. Senator Colburn stated that as long as the Chamber of Commerce opposed the bill, it would be difficult for the bill to pass. MCHR has met with the Chamber of Commerce. The Senator

suggested that MCHR meet with the Chamber of Commerce again.

Commissioner Mc Kinney congratulated the Executive Director and the Public Affairs Coordinator for meeting with Senator Colburn. Commissioner Mc Kinney also stated that MCHR has to be persistent in this matter.

Commissioner Mc Kinney inquired as to whether there is a procedure in Maryland to start over once the election is over. Is there a state procedure where MCHR starts with a new slate of processing proposal for legislation, budget initiatives and other things, under the new administration? The Executive Director stated that the present Governor is preparing next year's budget but it will be submitted by whoever is elected. The new Governor would have the opportunity to make changes. It is unlikely that there would be any changes because of the time limit involved in reviewing a 22 million dollar budget. MCHR's budget analyst indicated that the Lieutenant Governor has requested a synopsis on each agency under her direction and each analysis.

EXECUTIVE DIRECTOR'S REPORT

Translations

Commissioners received copies of the Executive Director's Report (See attached).

The Executive Director informed Commissioners that MCHR's complaint form has been translated. MCHR has received a translated form from EEOC and HUD. MCHR will be identifying form letters that will have to be translated.

Visually Impaired

Chairperson Rodriguez inquired as to the status of the request regarding brochures being made available for the visually impaired. The Public Affairs Coordinator informed Commissioners that the unit is in the process of contacting other agencies to request assistance in translating brochures in Braille.

Annual Report

The Executive Director informed Commissioners that the Annual Report draft will be mailed to Commissioners prior to the next Commission meeting.

New Statewide EEO Coordinator

The Executive Director, Deputy Director and General Counsel met with the EEO Coordinator, Ann Gordon. During this meeting discussions were held dealing with Ms. Gordon's role and how the Commission can be useful. The EEO Coordinator is going to assist MCHR in selling its Mediation Program to other state agencies. There were also discussions about trying to get the information included in the statewide annual EEO report into electronic form. MCHR will continue sending copies of complaints against other state agencies to the state EEO office.

Commissioner Mc Kinney questioned what the analysis of the EEO Report showed in reference to complaints against state agencies. The Deputy Director stated that the EEO Coordinator requested the number of complaints filed against state agencies in 1999, 2000, and 2001. The vast majority of agencies may have one complaint filed against them. The larger agencies, Public Safety & Corrections, Health and Mental Hygiene and Human Resources, carry the

bulk of the complaints. There have been six to twelve complaints filed each year. One half to two thirds of these cases are based on race. The overall figure of resolutions ran around 20-22%. Some agencies will put up a fight and other agencies, through MCHR's mediation process and other procedures, are trying to find ways to resolve conflicts.

Chairperson Rodriguez inquired as to whether the EEO Coordinator would be changed when a new Governor is elected. The Executive Director stated that this position is in a category that could be changed. The Secretary of Budget and Management appoints the EEO Coordinator.

**DEPUTY
DIRECTOR'S
REPORT**
EEOC Contract

Commissioners received copies of the Deputy Director's Report (See attached). The Deputy Director informed Commissioners that there are 6 weeks to go on the two federal contracts. Their fiscal year ends September 30, 2002. MCHR is exactly on target with the EEOC contract.

HUD Contract

MCHR will exceed the HUD contract. The HUD contract will be the highest contract ever, in terms of the funds MCHR is going to obtain through the case processing efforts, administrative efforts and some incentive programs.

Case Processing Report

Commissioners received copies of the Case Processing Report (See attached). The Chairperson inquired as to the number of employment cases and stated that the number of days in process of public accommodation cases has increased. The Deputy Director stated that the days in process came down a little from the previous month. Case processing was affected by the loss of several positions. MCHR had to leave some positions open for a period of time until MCHR knew for sure that it could fill the positions again. Presently there are two people working on public accommodation cases. The number of days in process of public accommodations cases has fallen since the start of the last fiscal year. MCHR expects the number of days in process to decrease in all categories of the cases. MCHR enforces the policy that investigators work on the oldest cases first.

Recruitment

The Deputy Director informed Commissioners that one new staff person starts on August 14 and another on August 21, 2002. A third staff person will start by the end of August, 2002.

Mediation Program

The Mediation Program Director will be meeting with all the State EEO Coordinators on August 21, 2002. MCHR will extol the virtues of the mediation program during this meeting. Some state agencies are requesting that all their complaints go through the mediation program, which has had excellent results.

Partnership Initiative
Funds

Chairperson Rodriguez inquired as to the status of the HUD request for additional funds. The Deputy Director stated that in past years there has been minimum funds, \$10,000 - \$15,000 per agency. This year the funds could be substantial. The funds could possibly be divided up equally and maybe not among FHAP regional agencies. MCHR has submitted four proposals: 1)

testing coordinator, 2) contractual position to coordinator MCHR's testing program; 3) \$40,000 to reinstitute the funds for architectural studies expert testimony in accessibility cases; and 4) one contractual investigator. The fourth proposal is to develop a partnership with the Maryland Association of Realtors Foundation in training of those professionals to client based from professional to professional. MCHR does not know how much money would be allotted for this initiative.

GENERAL COUNSEL'S REPORT

Commissioners received copies of the General Counsel's Report (See attached). The General Counsel informed Commissioners that MCHR received a unanimous decision from the Court of Appeals. This case was in the investigative process and legal was attempting to interview witnesses. The Respondent interfered with this attempt by showing up at the interview site. The Respondent demanded that the interviews be transcribed, as if it were a trial. Witnesses were voluntarily coming to be interviewed. MCHR moved to get an injunction to stop Respondent from interfering with its attempt to interview witnesses. The Court in that county denied MCHR's injunction and the case was appealed to the Court of Appeals. The Court of Appeals stated that MCHR has a right to conduct preliminary investigatory interviews without interference and to conduct the interview confidentially without the presence of the Respondent or their agents'. The Court of Appeals also stated that there is no requirement that the interviews be transcribed at this stage of the proceedings. The Respondent would have an opportunity to defend, object or challenge the evidence once MCHR decides to go forth and litigate this matter. The Court of Appeals also issued an injunction to prevent further interference. This decision establishes case law that attorneys cannot interfere at the investigatory stage. This decision gives MCHR a very good weapon to stop and/or block this type of interference.

The Executive Director stated that this is the largest decision this Commission has had in many years that gives clear direction to Respondents. The Executive Director commended the General Counsel and the Assistant General Counsel for all the work on this case.

OLD BUSINESS Commissioners' Attendance

Commissioner Mc Kinney inquired as to Commissioners' attendance during this meeting and the meeting last month, and whether this matter was a concern of the Chairperson. The Chairperson stated no. Commissioner Mc Kinney also wanted to know if the Commission has regulations on Commissioners' attendance at Commission meetings. Chairperson Rodriguez stated that Commissioners would get a letter from the Governor's office. Commissioners are supposed to attend at least 50% of the meetings each year.

The Commissioners' Assistant informed Commissioner Mc Kinney that the Chairperson receives a request, in January of each year, from the Governor's Office in reference to Commissioners' attendance. A response is prepared and is signed by the Chairperson. Each Commissioner receives a copy of the response.

NEW BUSINESS

MCHR's Web
Page Training

There will be a presentation conducted by the Information Technology Manager during the September meeting regarding MCHR's web site.

Commission meeting adjourned at 11:40 a.m.

Barbara Wilson